

U.S. Department of Justice



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December 12, 2021

BY ECF

The Honorable Alison J. Nathan
United States District Court
Southern District of New York
United States Courthouse
40 Foley Square
New York, New York 10007

Re: *United States v. Ghislaine Maxwell, S2 20 Cr. 330 (AJN)*

Dear Judge Nathan:

The Government respectfully submits this letter seeking an order directing the defense to provide the Government with the witnesses it anticipates calling next week by 10:00 a.m. tomorrow, December 13, 2021.¹

The Government previewed for several days prior to the close of the Government's case that it would rest sometime last week. Following the close of the Government's case, the Government requested that the defense provide the Government with Rule 26.2 material, along with "a list of witnesses, and an order of the first witnesses." Tr. 2276. The Court ordered the defense to do so, stating, "Yes. You'll do that." *Id.*

¹ The defense also made an untimely production of Rule 16 materials on Friday evening, following the close of the Government's case. The Government will file a motion to preclude later this evening.

Friday evening, the defense sent the Government a letter, attached as Exhibit A.² The letter identifies thirty-five defense witnesses in alphabetical order, with no information about the order in which the witnesses would be called. The Government conferred with the defense about witness order yesterday and was informed that more information would be forthcoming. The Government has not received further information.

Accordingly, the Government respectfully requests that the Court direct the defense to provide the Government, by 10:00 a.m. tomorrow, with its intended witnesses for Thursday and Friday of this week, and that the defense provide by Tuesday, December 14, its full intended witness order. Such an order would be consistent with the Government's disclosures: the Government provided the defense with its first five witnesses on November 24, five days before the start of trial, and a full ordered witness list on November 27, two days before the start of trial.³

² The Government moves to file this exhibit under seal, consistent with the Court's prior ruling that the Government's witness list is identifying as to individuals who would testify under pseudonyms and individuals who have not yet testified. Tr. 1697.

³ The Government also provided its 3500 material on October 11, more than a month in advance of trial. The defendant's Rule 26.2 disclosures on Friday do not include material for many of the witnesses on her list.

Respectfully submitted,

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